

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial
VA 7-1-03, Sam Khoury, Artistic Development Corp., 2276 Lynx Avenue/
generally located west of Hiatus Road at the end of SW 23 Street

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 7-1-03, VACATING THAT PORTION OF THE ROAD EASEMENT ON THE NORTHSTAR PLAT LOCATED AT THE EASTERN TERMINUS OF SW 23 STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The applicant has requested the vacation of a portion of a road easement reserved for the future cul-de-sac at the east end of SW 23 Street within the Northstar Estate development. SW 23 Street is a public road right-of-way with 24' wide pavement, which provides access to the single-family residences to the south. A 25-foot-wide road easement measured from the centerline of the street including a cul-de-sac at the end of the easement was dedicated within the Northstar Plat when approved in 1995. The proposed cul-de-sac was planned as a turn around at the east end of SW 23 Street. However, the entire road easement including the cul-de-sac portion was not constructed. Instead, a paved hammerhead at the end of the existing pavement is currently used as turn around for service vehicles and access to the 20' canal maintenance easement. The applicant is requesting to vacate the portion east of the hammerhead including 168 lineal feet and curvilinear portion of the cul-de-sac to include this land into Lot 25 of the Northstar Plat. This proposed vacation will provide a rectangular back yard and more reasonable use and design of the lot. Staff has no objection to vacate the curvilinear portion east of the extended property line as the lineal portion of 168' by 25' remain as road easement for any future connections.

The proposed vacation will have minimum impact to the surrounding neighborhood. Lot 25 is abutting a canal to the east, and a vacant lot within the Country Ridge Estates to the south across the road right-of-way easement. This lot is accessible from another cul-de-sac street, SW 106 Terrance, which provides another turn around 300 feet south, in addition to the hammerhead at the end of SW 23 Street. No other parcel within the vicinity will be affected by this request.

PREVIOUS ACTIONS: None

CONCURRENCES: At the December 10, 2003 Planning and Zoning meeting, Ms. Lee made a motion, seconded by Mr. Stevens, to approve (Motion carried 4-1 with Mr. McLaughlin being opposed).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning report, Future Land Use map, Zoning and aerial map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 7-1-03, VACATING THAT CURVILINER PORTION OF ROAD EASEMENT ON THE NORTHSTAR PLAT LOCATED AT THE EASTERN TERMINUS OF SW 23 STREET; PTOVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain land located within the Plat known as Northstar Plat, specifically described on Exhibit "A" attached hereto, was accepted as road easements; and

WHEREAS, vacation of the road easement will not be in conflict with the public interest; and

WHEREAS, on the date of adoption of this ordinance, Town Council approved such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That curvilinear portion of the road easement on the Northstar Plat located at the eastern terminus of SW 23 Street all as specifically described in Exhibit "A" attached hereto, are hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2004.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Staff Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: Sam Khoury, Artistic Development Corp.
Address: 3233 S. Andrews Avenue
City: Fort Lauderdale, FL 33316
Phone: (954) 523-2685

Background Information

Date of Notification: November 5, 2003 **Number of Notifications:** 72

Planning and Zoning Board Recommendation: At the December 10, 2003 Planning and Zoning Board meeting, the board made a motion to approve the vacation.

Application History: No deferrals have been requested.

Application Request: To vacate a curvilinear portion of road right-of-way easement on the Northstar Plat located at the eastern terminus of SW 23 Street.

Address/Location: 2276 Lynx Avenue/ generally located west of Hiatus Road at the end of SW 23 Street

Future Land Use Plan Designation: Residential (1 DU/AC)

Zoning: R-1, Estate Dwelling District

Existing Use: Vacant

Proposed Use: Single Family Home

Parcel Size: Road right-of-way easement

	<u>Surrounding Uses:</u>	<u>Surrounding Land</u>
		<u>Use Plan Designation:</u>
North:	Single family lot	Residential (1 DU/AC)
South:	Single family lot	Residential (1 DU/AC)
East:	Canal, Single family home	Residential (1DU/AC)
West:	Single family lot	Residential (1DU/AC)
	<u>Surrounding Zoning:</u>	
North:	R-1, Estate Dwelling District	

South: A-1, Agricultural District
East: E, Estates District
West: R-1, Estate Dwelling District

Zoning History

Previous Request on same property:

The Town Council approved the boundary plat, Northstar Plat, On January 20, 1993. The plat is limited to 43 single-family homes. On the plat, a 25-foot road right-of-way easement along the south property line, including a 45-foot radius cul-de-sac at the end, was dedicated for the future public right-of-way.

The Town Council approved the site plan (SP 9-6-96) on December 18, 1996, for 36 single family lots on 43.7 acres.

The Town Council approved the site plan modification (SP 7-3-98) on August 11, 1998, for the guard house, temporary sales center, and residential development signs at the entrance.

Applicable Codes and Ordinances

Section 12-310 of the Land Development Code, review for vacations or abandonment of right-of-way.

Section 12-289 (A) of Rural Lifestyle Regulation, Street, Access, and Circulations.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies: Policy 15-4: Land development regulation shall provide for adequate, convenient, and safe on-site circulation and off-street parking facilities.

Significant Development Review Agency Comments

The original request was for the vacation of the portion including 168 linear feet at the east end of SW 23 Street, from the centerline of the street to the existing property line. However, at the October 7, 2003 DRC meeting, staff raised concerns about the need for the future connection

along SW 23 Street. In light of staff objections, the applicant revised the request to vacate the curvilinear portion east of the extended property line as the lineal portion of 168' by 25' remain as road easement for any future connections. The Engineering, Police, and Fire are in concurrence with this request.

Findings of Fact

Vacations or abandonment of right-of-way:

Section 12-310 (A)(1):

The following findings of fact apply to the vacation requested:

(a) It will not adversely affect access to neighboring properties.

The adjacent vacant parcel within the Country Ridge Estates is accessible from another cul-de-sac street, SW 106 Terrance. The cul-de-sac at the end of SW 106 Terrance along with the existing hammerhead provide turn around for SW 23 Street. No other property in the neighborhood will be affected by this request. Therefore, it will not adversely affect access to neighboring properties.

(b) It will not be in conflict with the public interest.

The proposed vacation will provide a rectangular backyard and more reasonable use and design for Lot 25 within the Northstar Plat. The portion to be vacated was never been constructed for public use as it is reserved as easement for future need. The proposed vacation has the minimum impact to the surrounding properties, as they do not utilize this area for turn around. Therefore, it will not be conflict with the public interest.

Application Details and Staff Analysis

The applicant has requested the vacation of a portion of a road easement reserved for the future cal-de-sac at the east end of SW 23 Street within the Northstar Estate development. SW 23 Street is a public road right-of-way with 24' wide pavement, which provides access to the single-family residences to the south. A 25-foot-wide road easement measured from the centerline of the street including a cul-de-sac at the end of the easement was dedicated within the Northstar Plat when approved in 1995. The proposed cul-de-sac was planned as a turn around at the east end of SW 23 Street. However, the entire road easement including the cul-de-sac portion was not constructed. Instead, a paved hammerhead at the end of the existing pavement is currently used as turn around for service vehicles and access to the 20' canal maintenance easement. The applicant is requesting to vacate the portion east of the hammerhead including 168 lineal feet and curvilinear portion of the cul-de-sac to include this land into Lot 25 of the Northstar Plat. This proposed vacation will provide a rectangular backyard and more reasonable use and design of the lot. Staff has no objection to vacate the curvilinear portion east of the extended property line as the lineal portion of 168' by 25' remain as road easement for any future connections.

The proposed vacation will have minimum impact to the surrounding neighborhood. Lot 25 is abutting a canal to the east, and a vacant lot within the Country Ridge Estates to the south across the road right-of-way easement. This lot is accessible from another cul-de-sac street,

SW 106 Terrance, which provides another turn around 300 feet south, in addition to the hammerhead at the end of SW 23 Street. No other parcel within the vicinity will be affected by this request.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration as the vacation request meets the intent of traffic circulation and connection in the surrounding area in the future.

Planning and Zoning Recommendation

At the December 10, 2003 Planning and Zoning meeting, Ms. Lee made a motion, seconded by Mr. Stevens, to approve (Motion carried 4-1 with Mr. McLaughlin being opposed).

Town Council Recommendation

Exhibits

Justification letter, roadway easement dedications legal descriptions and sketches, Future Land Use map, Zoning and aerial map

Prepared by: _____

Reviewed by: _____

TO DELINEATE LOT 25 AND THE AREA TO BE VACATED

LOT 26

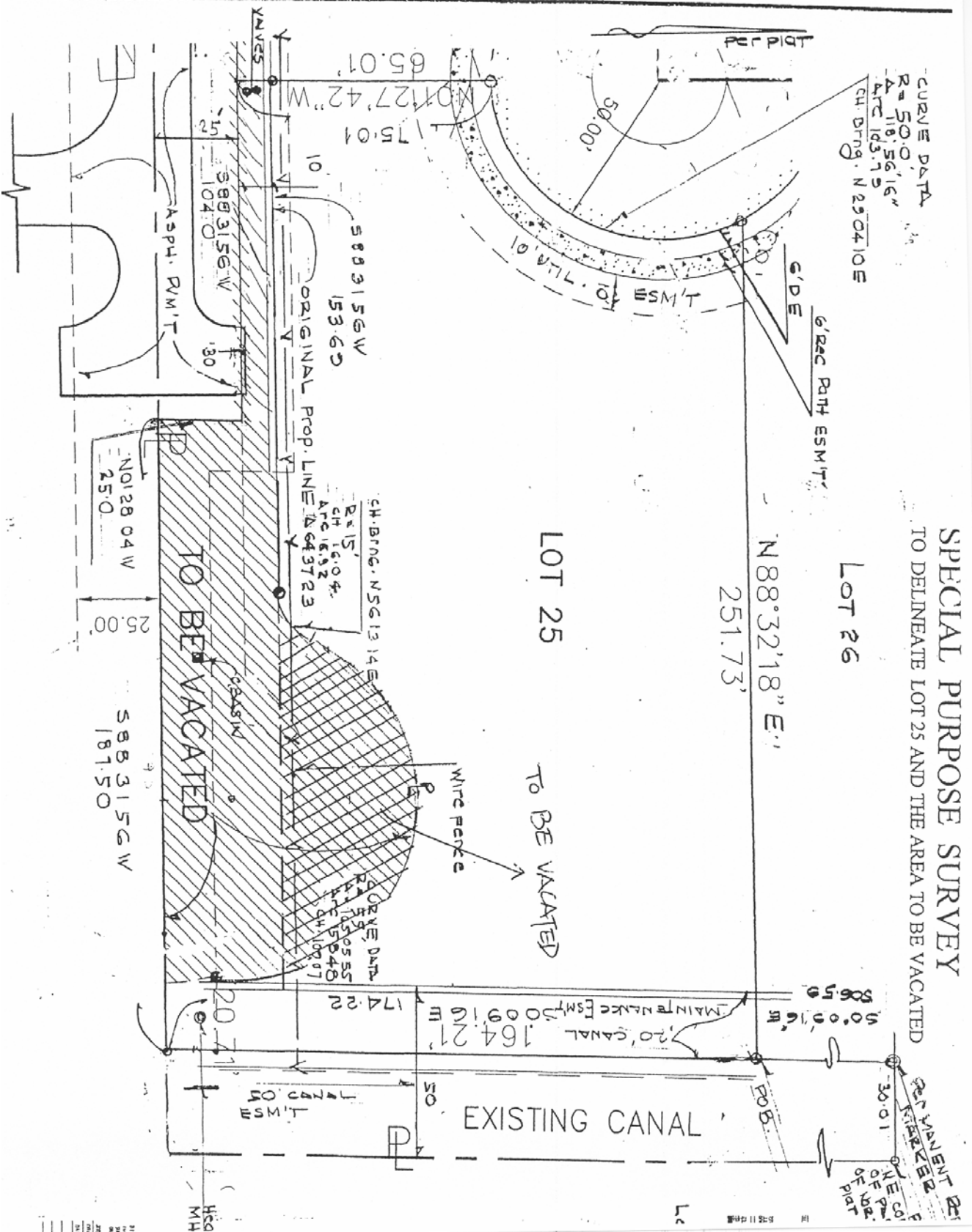
488°32'18"E

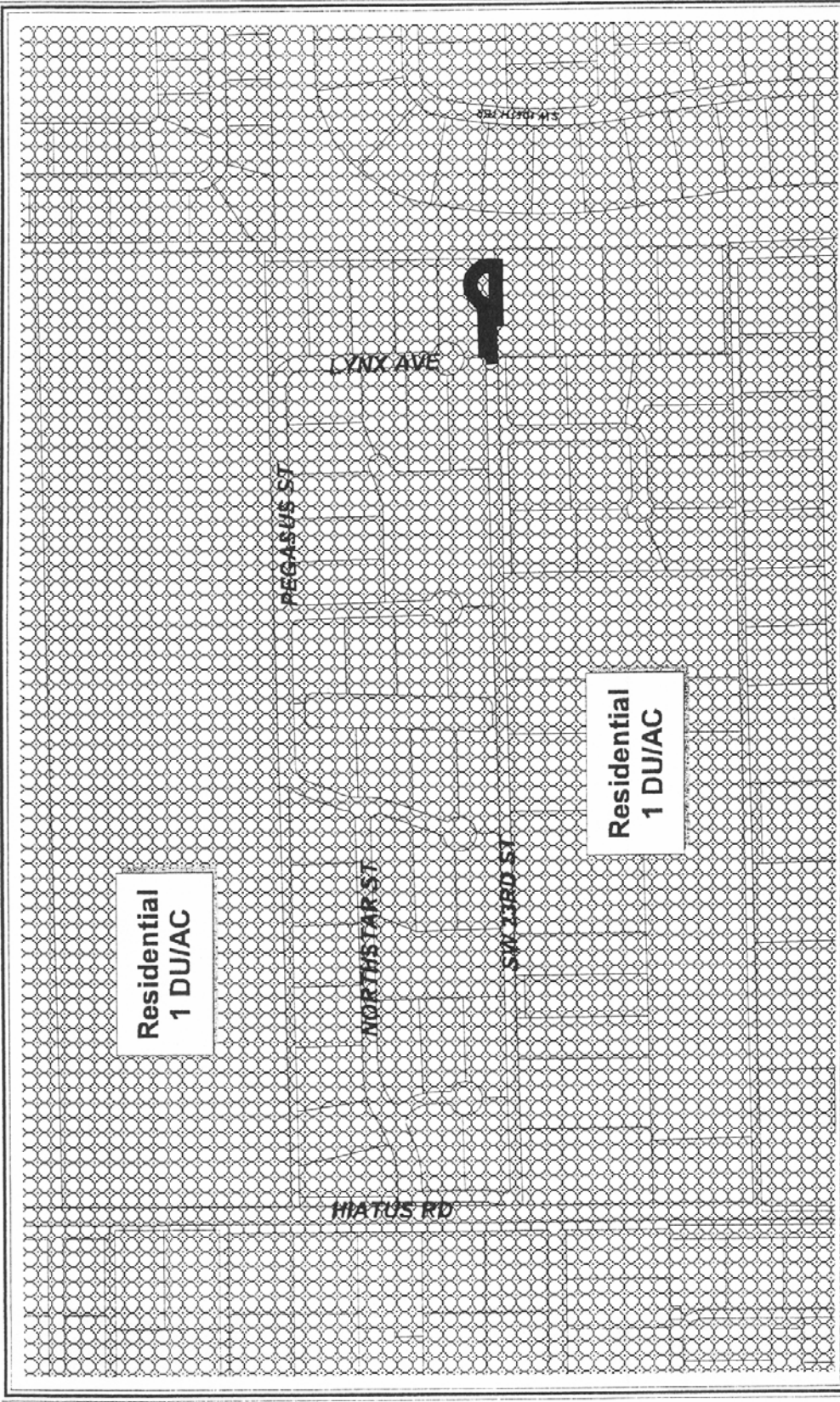
251.73

LOT 25

TO BE VACATED

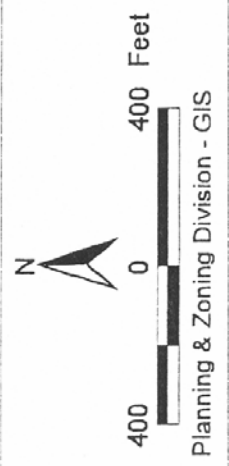
EXISTING CANAL

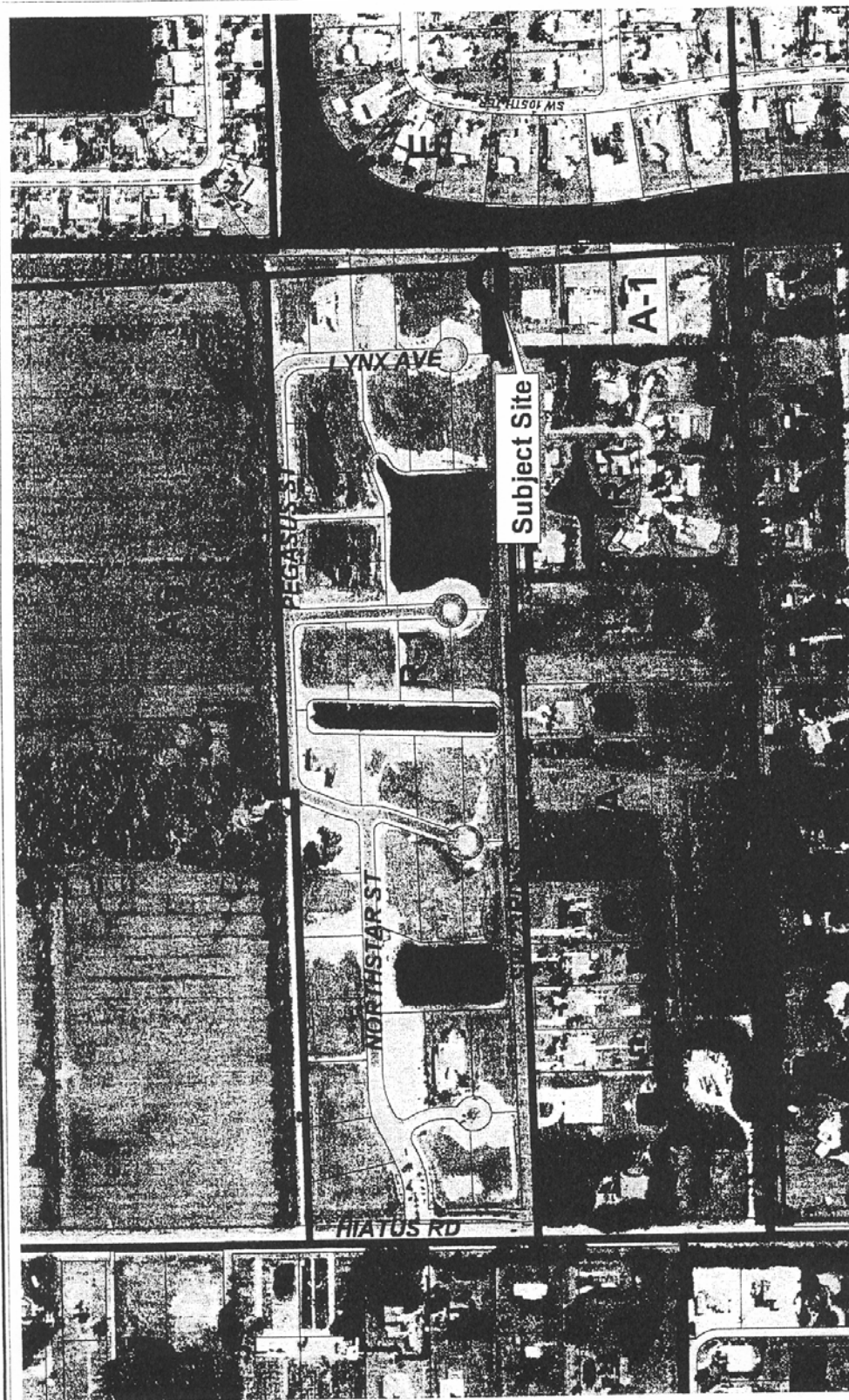




VACATION OF RIGHT-OF-WAY VA 7-1-03 Future Land Use Map

Prepared By: TAV
 Date Prepared: 8/27/03





Date Flown:
12/31/00



400 0 400 Feet

Planning & Zoning Division - GIS



VACATION OF RIGHT-OF-WAY VA 7-1-03 Zoning and Aerial Map

Prepared By: TAV
Date Prepared: 8/27/03

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